



Paper No. 7

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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In re Application of
Toshihiko Miyazaki, et al.
Application No. 09/705,957
Filed: November 6, 2000
Attorney Docket No. 826.C1808

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: DECISION GRANTING PETITION
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This is a decision on the petition filed June 25, 2001 (certificate of mailing June 18, 2001), requesting that Figure 1 described in the specification be accorded a filing date of November 6, 2000, as part of the original disclosure.

On November 6, 2000, the above-identified application was filed. On April 18, 2001, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of November 6, 2000, and requiring applicants to submit a properly signed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. Additionally, the Notice advised applicants that Figure 1 described in the specification appeared to have been omitted.

In response, on June 25, 2001 (certificate of mailing June 18, 2001), applicants filed the present petition with the petition fee, an executed declaration, the \$130.00 surcharge, and one (1) sheet of drawings consisting of Figure 1. The petition was accompanied by a copy of applicants' postcard receipt acknowledging receipt of 181 sheets of drawings on November 6, 2000. Applicants requested that the application, including Figure 1, be accorded a filing date of November 6, 2000, and the petition fee be refunded.

Upon review of the record, Figure 1, deposited on November 6, 2000, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 6, 2000, included Figure 1, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 1, was complete on filing and entitled to a filing date of November 6, 2000.

Accordingly, the petition is granted.

The requirement for the omitted item was sent in error and is hereby vacated. Accordingly, the petition fee is unnecessary and will be credited to counsel's Deposit Account No. 06-1205.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 6, 2000, using Figure 1 submitted on June 25, 2001 and Figures 2-178 submitted on November 6, 2000.

Any inquiries related to this decision should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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